

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**_____
JAY L THOMAS,

Petitioner,

v.

P.A.C.T. PRORS RAN ASSISTANT

Respondent.

Civil Action No. 16-0421 (CCC)

MEMORANDUM AND ORDER

Pro se Petitioner Jay L. Thomas, who appears to be a voluntarily committed individual at the Greystone Hospital in Morris Plains, New Jersey, seeks to file a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. Petitioner neither prepaid the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor submitted a complete application to proceed *in forma pauperis* ("IFP"), as required under L. Civ. R. 81.2(b).

IT IS therefore on this 29 day of January, 2016,

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case; Petitioner is informed that administrative termination is not a "dismissal" for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dep't.*, 413 Fed. App'x 498, 502 (3d Cir. 2011) (per curiam) ("[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs[.]"); it is further

ORDERED that the Clerk of the Court shall supply to Petitioner a blank form Application to Proceed in District Court Without Prepaying Fees or Costs – AO 239 (Rev. 12/13); it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in a writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 0710 2, within 30 days of the date of entry of this Memorandum and Order; Petitioner's writing shall include either: (1) a complete *in forma pauperis* application, as required by Local Civil Rule 81.2(b), or (2) the \$5.00 filing fee; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.



Claire C. Cecchi
United States District Judge